

Case No. S168078

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO, et al.,

Petitioners,

vs.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al.,

Respondents,

DENNIS HOLLINGSWORTH, et al.

Interveners.

**APPLICATION TO SUBSTITUTE
CORRECTED REPLY BRIEF;
DECLARATION OF TARA M. STEELEY;
PROPOSED ORDER**

**SUPREME COURT
FILED**
JAN - 8 2009
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TO THE HONORABLE CHIEF JUSTICE OF THE SUPREME
COURT OF CALIFORNIA:

Petitioners City and County of San Francisco *et al.* ("Applicants") respectfully request permission to substitute a corrected version of their Reply filed January 5, 2009 in this action. A copy of the Corrected Reply of City and County of San Francisco, *et al.* has been lodged with the Court herewith. This application is based on the Declaration of Tara M. Steeley, attached hereto.

The Corrected Reply clarifies citations to Interveners' briefs and corrects footnote 36 to clarify that a listing of respondents includes the Attorney General of the State of California. The Corrected Reply also corrects non-substantive typographical and formatting errors. Although the changes are not substantive, Applicants believe that the filing of a Corrected Reply will be of assistance to the Court.

Dated: January 8, 2009

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By: 
TARA M. STEELEY

Attorneys for Petitioner City and County
of San Francisco

DECLARATION OF TARA M. STEELEY

I, Tara M. Steeley, declare as follows:

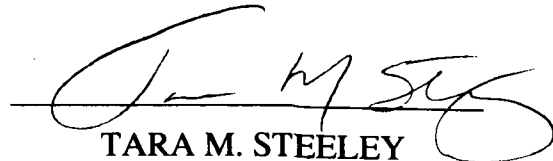
1. I am a Deputy City Attorney with the San Francisco City Attorney's Office, counsel of record for the City and County of San Francisco in this action. This declaration is submitted in support of the accompanying Application to Substitute Corrected Reply Brief. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.

2. I am one of the attorneys primarily responsible for finalizing the Reply of City and County of San Francisco, *et al.* and the Corrected Reply of City and County of San Francisco, *et al.* ("Corrected Reply").

3. The Corrected Reply clarifies citations to Interveners' briefs and corrects footnote 36 to clarify that a listing of respondents includes the Attorney General of the State of California.

4. The Corrected Reply also corrects non-substantive typographical and formatting errors.

I declare under penalty of perjury that the foregoing is true and correct. Executed January 8, 2009 in San Francisco, California.


TARA M. STEELEY

ORDER

GOOD CAUSE APPEARING, Petitioners' Application to File the Corrected Reply of City and County of San Francisco, *et al.* is granted. The Court shall receive and file the Corrected Reply of City and County of San Francisco, *et al.* lodged January 8, 2009.

Dated: _____

Chief Justice

PROOF OF SERVICE

I, HOLLY TAN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On January 8, 2009, I served the following document(s):

**APPLICATION TO SUBSTITUTE CORRECTED REPLY BRIEF;
DECLARATION OF TARA M. STEELEY; PROPOSED ORDER**

on the following persons at the locations specified:

PLEASE SEE ATTACHED PROOF OF SERVICE

in the manner indicated below:

- ☒ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.
- ☐ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery ☐ is attached or ☐ will be filed separately with the court.
- ☐ **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed January 8, 2009, at San Francisco, California.



HOLLY TAN

CCSF, et al., v. Mark B. Horton, et al.
California Supreme Court Case No. S168078
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